

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

v.

UNITED STATES CUSTOMS AND
BORDER PROTECTION and UNITED
STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendants.

No. 1:19-cv-11311 (JSR)

PLAINTIFF'S SUPPLEMENTAL MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the Declaration of Nathan Freed Wessler, dated June 26, 2020, and the attachments thereto; and all prior papers and proceedings in this action, Plaintiff American Civil Liberties Union (“ACLU”) moves the Court for an order granting the ACLU’s motion for summary judgment by requiring Defendant U.S. Immigration and Customs Enforcement (“ICE”) to lift the redactions on (i) the December 4, 2017 letter from DHS to Senator Ron Wyden, *see* ECF No. 23-18; and (ii) the November 2017 communication from DHS to Senator Al Franken, *see* ECF No. 23-19. The ACLU further respectfully requests that the Court award the ACLU the costs of this proceeding, including reasonable attorneys’ fees, as expressly permitted by 5 U.S.C. § 552(a)(4)(E), and grant such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that this motion supplements the ACLU’s motion for summary judgment filed on March 22, 2020. ECF No. 21. Because ICE produced the documents at issue a month-and-a-half after the court-imposed production deadline and just hours before the ACLU was due to file its motion for summary judgment and supporting brief,

the ACLU was unable to determine whether it sought to challenge redactions to the documents when it filed its summary judgment motion. With the agreement of Defendants, the ACLU reserved the right to challenge any withholdings when filing its reply and opposition brief on today's date. *See* ECF No. 21, at 1–2; ECF No. 22, at 12.

June 26, 2020

Respectfully submitted,

/s/ Alexia Ramirez

Alexia Ramirez
Nathan Freed Wessler
Brett Max Kaufman
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212.549.2500
F: 212.549.2654
aramirez@aclu.org
nwessler@aclu.org
bkaufman@aclu.org

Robert Hodgson
Christopher Dunn
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, NY 10004
(212) 607-3300
rhodgson@nyclu.org
cdunn@nyclu.org

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2020, I electronically filed the foregoing Supplemental Motion for Summary Judgment using the Court's CM/ECF system, which effects service upon counsel for Defendants.

/s/ Alexia Ramirez
Alexia Ramirez
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212.549.2500
F: 212.549.2654
aramirez@aclu.org